

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field | Entered |
|---|----------------|
| SERIAL NUMBER | 77437275 |
| LAW OFFICE ASSIGNED | LAW OFFICE 102 |
| MARK SECTION (no change) | |
| ARGUMENT(S) | |
| <p>The Examining Attorney has issued a refusal to register under Section 2(d) of the Trademark Act citing the following registrations:</p> <p>IMAGINATION WORKSHOP (Reg. No. 2219696) for educational entertainment services, namely, live presentations of cartoon drawing featuring self-esteem, and distribution of written course materials in conjunction therewith</p> <p>IMAGINATION STATION (Reg. No. 2559228) for educational computer software for children</p> <p>IMAGINATION STATION (Reg. No. 2552614) for educational and entertainment services, namely, a designated area of a theme park in which children are allowed to engage in interactive and hands-on activities intended to promote creativity and learning CANCELLED</p> <p>THE IMAGINATION STATION (Reg. No. 2964540) for educational services, namely, providing on-line interactive classes over a computer network in the field of reading</p> <p style="text-align: center;">Applicant's goods and services now read as follows:</p> <p>IC 009. US 021 023 026 036 038. G & S: Digital media, namely, CDs and DVDs featuring performance arts, puppet performing, magic classes, storytelling, three dimensional storytelling, face painting, and balloon sculpting; entertainment training DVDs, namely, DVDs that provide training for</p> | |

teachers to teach safety issues in an entertaining manner;

IC 016. US 002 005 022 023 029 037 038 050. G & S: Books in the field of performance arts, puppet performing, magic, storytelling, three dimensional storytelling, face painting, and balloon sculpting, and children's educational books

IC 041. US 100 101 107. G & S: Entertainment in the nature of live performances by various make-believe characters; Educational services, namely, conducting seminars and classes in the field of instructing others how to provide educational and entertainment services to others and to assist teachers in meeting federal educational performance measures and federal literacy guidelines and distribution of course material in connection therewith; and Educational services, namely, conducting Seminars and Classes in the field of performance arts, puppet performing, magic, storytelling, three dimensional storytelling, face painting, and balloon sculpting and distribution of course material in connection therewith

In support of her refusal, the Trademark Examining Attorney cites In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). For the following reasons, Applicant respectfully traverses the Examining Attorney in this regard.

Preliminarily, Applicant notes that it has limited its recitation of goods. This amendment has the effect of also obviating any likelihood of confusion with the cited registration. Furthermore, one of the cited registrations, Reg. No. 2552614 has been cancelled and therefore, is not properly citable as a bar to registration.

Under *du Pont*, when testing for likelihood of confusion under § 2(d) the following factors would be considered the most relevant in the subject matter: (1) the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression; (2) the similarity or dissimilarity and nature of the goods or services as described in the application for registration or in connection with which a prior registered mark is in use; and (3) the number and nature of other similar marks.

The Marks are Dissimilar in Appearance, Sound, Connotation and Commercial Impression

While the two marks are all similar as to the inclusion of the word "IMAGINATION," the overall connotations of the marks are such that confusion would not be likely to occur. The subject mark is THE IMAGINATION SHOPPE. Using the Examining Attorney's own offered evidence, it is clear that the normal connotation and meaning of "SHOPPE" is a handicraft establishment or a building or room stocked with merchandise for sale. The typical definitions for STATION relate to a stop on a route or a local branch of an organization or a specially equipped building. A workshop is generally deemed to be a room (or rooms) where mechanical work is performed or things are made. Thus, the differing second words (i.e., SHOPPE, STATION and WORKSHOP) all have such dissimilar commercial impressions such that there would not be any likelihood of confusion when the marks are compared as wholes.

The term SHOPPE (spelled in an old-fashioned manner with the extra "PE") further serves to distinguish the subject mark from the cited marks. The cited marks have no such connotation. The cited marks have wholly different connotations. From the Examining Attorney's own offered definitions, it is patently obvious that SHOPPE, WORKSHOP and STATION have connotations that are so different that the entire marks are rendered to completely different commercial impressions.

In In re Sydel Lingerie Co., Inc., 197 U.S.P.Q. 629 (TTAB 1977), the Board found that BOTTOMS UP used with men's suits and trousers generated a sufficiently different connotation from BOTTOMS UP used with ladies' and children's underwear. Similarly here, despite the inclusion of IMAGINATION—the applied for mark creates a very different commercial impression that operates to obviate any potential for confusion among the marks.

The Trademark Trial and Appeal Board has held that even if both marks are for identical goods, have the same channels of trade, and contain an initial term which is identical, a differing commercial impression leads to a finding that there is no likelihood of confusion. Stouffer Corp. v. Health Valley Natural Foods, Inc., 1 USPQ.2d 1900, 1904 (TTAB 1986). For example, in Stouffer Corp., the marks LEAN LIVING and LEAN CUISINE were found to have different commercial impression, so that the Board concluded that there was no likelihood of confusion. The imagery suggested by LEAN LIVING

is of a "way of life", whereas the imagery conjured up by LEAN CUISINE is of tasteful dietary French food. Other than the fact that dietary practices are part of every person's life, the Board found nothing in the two marks that otherwise conveyed the same commercial impression. In the instant case, besides the varied and different commercial impressions of the marks, the marks are further differentiated by the specific goods and services of interest.

Clearly, the respective marks must be considered in their entireties. However, it is also entirely proper to note that one word or feature of a mark may be the dominant or more prominent feature in the mark or may be given greater weight in determining likelihood of confusion. See *Giant Foods Inc. v. Nation's Food Service, Inc.*, 710 F2d 1565, 218 USPQ 390 (Fed.Cir.1983) and *In re National Data Corporation*, 753 F2d 1056, 224 USPQ 749 (Fed.Cir.1985). In the instant case, since the term IMAGINATION is diluted, the phrasing SHOPPE, STATION and WORKSHOP operate to further obviate any potential for confusion.

In sum, because of the differences in the respective marks and the connotations of the subject trademarks, the marks as wholes are substantially different and would be perceived to be so by consumers and prospective consumers.

The Respective Goods/Services Are Not So Closely Related Such That a Likelihood of Confusion Would Arise

Applying the next *du Pont* factor, it can be clearly seen that there are significant differences between the goods of Applicant and Registration, particularly in view of the number of IMAGINATION marks.

The Examining Attorney makes broad, sweeping statements about the purported interrelationship between Applicant's goods and services and the goods and services in the cited registrations. Thus, it is difficult to determine the specific goods and services for which the Examining Attorney actually believes a likelihood of confusion could register. If the Examining Attorney had more clearly identified the same, Applicant would have considered further ways to limit its goods and

services to highlight to the Examining Attorney the differences that will obviate any potential for confusion. Rather, it appears that the Examining Attorney has inexplicably determined that all of the cited registrations for educational children's goods and services can coexist without issue, but Applicant's mark for different goods and services would somehow be confused with ALL of the prior IMAGINATION registrations in this crowded field.

Furthermore, the Examining Attorney has failed to realize that her broad, sweeping statements of "closely related" goods and services would mean that the goods and services of the CITED registrations would be deemed to be confusingly similar to each other. Since the prior registrations (owned by four different registrants) have seemingly peacefully coexisted on the Register for a number of years, it is preposterous to assume that the addition of the subject mark to the Register would suddenly cause confusion with other, very different, IMAGINATION marks.

Clearly, the mere fact that the same consumers might encounter the goods of the two parties is not sufficient to cause a likelihood of confusion to arise. In the instant case, though, there does not even appear to be any evidence that the respective goods would be encountered by the same consumers. The Examining Attorney has offered no evidence that the relevant consumers would encounter the various parties different goods and services.

Rather, than offering evidence of the relationship of the respective goods and services, the Examining Attorney cites the registrations of others for the premise that goods and services of Applicant are "closely related" to goods and services of the cited registrant. Such arguments are preposterous. For if the same was "probative" of similarity, the following registrations would lead to the following conclusions:

Pharmaceuticals preparations are closely related to: DVD players, pot scrapers and racket balls
(PHYTOLAND KIDS Reg. No. 3635516)

Soaps are closely related to fuel, furniture, meat and cereal-based snack foods
(Urbio Reg. No. 3557678)

Laundry bleach is closely related to bicycle seats for children, electrically heated bottom warmers and wallets

(CYBEX Reg. No. 3591365)

See *In re Deceuninck North America LLC*, Serial No. 77465459 (T.T.A.B. May 27, 2009) regarding reliance on third party registrations. See also *In re NeoPhotonics Corp.*, Serial No. 78331853 (T.T.A.B. October 10, 2008) (“[E]ven though the marks at issue [are] identical, it is still the case that where, as here, the respective goods on their face are distinctly different, it is incumbent upon the Examining Attorney to present evidence showing that there is at least a viable commercial relationship between the respective goods in order to establish that contemporaneous use of the marks at issue would be likely to cause confusion.”) It is clear that the Examining Attorney has not met her burden of proof regarding the relatedness of the goods.

The Number and Nature of Similar Marks Makes It Clear That the Marks Can Coexist without Confusion

While third party registrations in and of themselves are not evidence, per se, the same are clearly indicative of how a particular term is generally viewed by the public. See *AMF Inc. v. American Leisure Products, Inc.*, 474 F.2d 1403, 177 USPQ 268 (C.C.P.A. 1973); *Plus Products v. Star-Kist Foods, Inc.*, 220 USPQ 541 (TTAB 1983). In the instant case, it is clear that various IMAGINATION marks are seen as being readily discernible.

In the attached, Applicant has put forth a large number of representative uses of IMAGINATION marks for which registration has been sought. In addition, Applicant has noted the following representative current uses of IMAGINATION marks for children-related goods and services:

Imagination Quest children’s museum (<http://iqinc.org>)

Imagination Avenue children’s center (<http://imaginationavenue.us/>)

Imagination Station Express daycare/preschool (<http://www.imaginationstationexpress.com>)

Imagination Place children's museum (<http://www.culturalarts.org/ip.asp>)

The Imagination Workshop children's museum

(<http://www.cityoftemecula.org/Residents/ImaginationWorkshop/>)

Imagination Bethesda children's festival

(<http://dc.about.com/od/specialevents/a/ImaginationBeth.htm>)

Imagination Stage children's theater (<http://www.imaginationstage.org/component/content/>)

Imagination Library children's library (<http://www.darekids.org/imagination.php>)

Instant Imagination children's parties (<http://instantimagination.com/>)

Personalized Imagination CD children's CD

([http://www.lighterside.com/product/personalizedgifts/children/personalized+imagination+cd.do?](http://www.lighterside.com/product/personalizedgifts/children/personalized+imagination+cd.do?WT.svl=64038)
WT.svl=64038)

Imagination Island play center (<http://www.imaginationislandusa.com/>)

Imagination Station children's center (<http://www.childcareimaginationstation.org/>)

Imagination Playground children's playground

(<http://kaboom.org/WhatWeDo/KaBOOMandImaginationPlayground/tabid/705/Default.aspx>)

Imagination Station playground (<http://www.lccvb.org/imagination.html>)

Imagination Stage children's theater (http://en.wikipedia.org/wiki/Imagination_Stage)

Imagination Movers children's music band

(http://www.imaginationmovers.com/website/press_kit_more.php?id=2)

Imagination Crossing childcare (<http://imaginationcrossing.com/>)

Imagination Station childcare (<http://imaginationstationelc.com/>)

Imagination Makers children's theater (<http://imaginationmakers.org/>)

Your Imagination Presents children's CDs (<http://yourimaginationpresents.com/>)

Imagination Theatre children's theater (<http://imaginationtheatre.org/>)

Imagination Toys children's store (<http://www.imagination-toys.com/>)

Imagination Gym educational programs and books

(<http://www.imaginationgym.com/products.html>)

Imagination Station children's science museum

(<http://www.imaginationstationnc.blogspot.com/>)

Imagination Place online children's club (http://cct2.edc.org/imagination_place/)

These representative current uses of IMAGINATION marks for goods and services directed to children (many, if not all are "educational" in nature) are strong evidence of the relative dilution of the term IMAGINATION in the broad field of children's goods and services and even in the further subset of educational children's goods and services. Further, a Google search reveals over 10 MILLION hits for a search for "imagination and children" clearly establishing that the word IMAGINATION is closely associated with "all things children." A limitation of the search result to also include "educational" still reveals a half MILLION hits. Thus, consumers have become accustomed to discerning among various IMAGINATION uses.

The attached third-party registrations are relevant to show that the mark or a portion of the mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services. See, e.g., *AMF Inc. v. American Leisure Products, Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269-70 (C.C.P.A. 1973); *Plus Products v. Star-Kist Foods, Inc.*, 220 USPQ 541, 544 (TTAB 1983). See also, *Specialty Brands, Inc. v. Coffee Bean Distributors, Inc.*, 748 F.2d 669, 675, 223 USPQ 1281, 1285-86 (Fed. Cir. 1984); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 917, 189 USPQ 693, 694-95 (C.C.P.A. 1976); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Dayco Products-Eagle Motive Inc.*, 9 USPQ2d 1910, 1911 (TTAB 1988); *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *United Foods Inc. v. J.R. Simplot Co.*, 4 USPQ2d 1172, 1174 (TTAB 1987).

The number and nature of other similar marks (both on the Register and in current use) means that consumers are accustomed to discerning among IMAGINATION marks. In *In re Broadway Chicken Inc.*, 38 U.S.P.Q.2d 1559 (T.T.A.B. 1996), the Board found no likelihood of confusion between BROADWAY CHICKEN ("CHICKEN" disclaimed) and BROADWAY PIZZA ("PIZZA" disclaimed), both for restaurant services. Similarly here, the initial term is so dilute that SHOPPE, STATION and WORKSHOP are sufficient to distinguish among the marks at issue.

In sum, because of the differences in the respective marks and the connotations of the subject trademarks, the marks, as wholes, are substantially different and would be perceived to be so by consumers and prospective consumers. Further, in light of the nature and number of other similar marks, it seems highly unlikely that the addition of Applicant's mark to the register will suddenly create confusion amongst these marks which all share common elements.

Applying the third of the du Pont factors noted above, it can be clearly seen that there are significant differences between the services of applicant and those of the registrant. Registrant is using its trademarks in connection with medical/patient history and related services, such as educational services. Applicant's services, while in the broad medical field, have no such applications, nor would they be perceived to have such applications or to be closely related to such applications. Applicant's services are focused on cost management.

The Examining Attorney seemingly believes that all types of health care services are overlapping or closely related and all kinds of services offered to the health care industry are likewise overlapping or closely related. Such propositions do not withstand close scrutiny. If such were the case, the various AIM registrations noted above could not coexist on the register.

Applying the fourth factor, it is clear that the purchasers of the respective services are highly sophisticated. That is, personnel associated with hospital and health care practices would be highly sophisticated. Those tasked with purchasing goods and services related to health care utilization and/or patient file services would need to be sophisticated purchasers. Clearly, the respective services would not be impulse purchases. Thus, the level of sophistication of the purchasers further obviates a potential of confusion.

In conclusion, because of the differences between the respective services, the number and nature of other similar marks, the differences in the commercial impressions and connotations of the respective marks elucidated above, and because of the sophistication of the purchasers, no likelihood of confusion exists in the instant case within the meaning of the statute.

In light of the above, Applicant respectfully requests that the application be published in the Official Gazette.

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| EVIDENCE SECTION | |
| EVIDENCE FILE NAME(S) | |
| ORIGINAL PDF FILE | http://tgate/PDF/RFR/2009/06/12/20090612212341337060-77437275-001_001/evi_7283153227-211732418_._Imagination_marks.pdf |
| CONVERTED PDF FILE(S) (11 pages) | \\TICRS\EXPORT7\IMAGEOUT7\774\372\77437275\xml1\RFR0002.JPG |
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| DESCRIPTION OF EVIDENCE FILE | IMAGINATION marks |
| GOODS AND/OR SERVICES SECTION (009)(current) | |
| INTERNATIONAL CLASS | 009 |
| DESCRIPTION | |
| Digital media, namely, CDs and DVDs featuring Performance Arts, Puppet Performing, Magic classes, Storytelling, Three Dimensional Storytelling, Face Painting, and Balloon Sculpting, Entertainment | |

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|---|--------------|
| training DVDs, and Children's Educational and Entertainment CDs and DVDs | |
| FILING BASIS | Section 1(b) |
| GOODS AND/OR SERVICES SECTION (009)(proposed) | |
| INTERNATIONAL CLASS | 009 |
| DESCRIPTION | |
| Digital media, namely, CDs and DVDs featuring performance arts, puppet performing, magic classes, storytelling, three dimensional storytelling, face painting, and balloon sculpting; entertainment training DVDs, namely, DVDs that provide training for teachers to teach safety issues in an entertaining manner | |
| FILING BASIS | Section 1(b) |
| GOODS AND/OR SERVICES SECTION (016)(current) | |
| INTERNATIONAL CLASS | 016 |
| DESCRIPTION | |
| Books in the field of Performance Arts, Puppet Performing, Magic, Storytelling, Three Dimensional Storytelling, Face Painting, and Balloon Sculpting, and Children's Educational books | |
| FILING BASIS | Section 1(b) |
| GOODS AND/OR SERVICES SECTION (016)(proposed) | |
| INTERNATIONAL CLASS | 016 |
| DESCRIPTION | |
| Books in the field of performance arts, puppet performing, magic, storytelling, three dimensional storytelling, face painting, and balloon sculpting, and children's educational books | |
| FILING BASIS | Section 1(b) |
| GOODS AND/OR SERVICES SECTION (041)(current) | |
| INTERNATIONAL CLASS | 041 |
| DESCRIPTION | |
| Entertainment in the nature of live performances by Various Characters, Educational services, namely, conducting Seminars and Classes in the field of Entertainment Skills and Education Skills and distribution of course material in connection therewith, and Educational services, namely, conducting Seminars and Classes in the field of Performance Arts, Puppet Performing, Magic, Storytelling, Three Dimensional Storytelling, Face Painting, and Balloon Sculpting and distribution of course material in connection therewith | |
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| GOODS AND/OR SERVICES SECTION (041)(proposed) | |
| INTERNATIONAL CLASS | 041 |

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| DESCRIPTION | |
| Entertainment in the nature of live performances by various make-believe characters; Educational services, namely, conducting seminars and classes in the field of instructing others how to provide educational and entertainment services to others and to assist teachers in meeting federal educational performance measures and federal literacy guidelines and distribution of course material in connection therewith; and Educational services, namely, conducting Seminars and Classes in the field of performance arts, puppet performing, magic, storytelling, three dimensional storytelling, face painting, and balloon sculpting and distribution of course material in connection therewith | |
| FILING BASIS | Section 1(b) |
| SIGNATURE SECTION | |
| DECLARATION SIGNATURE | /Janice Housey/ |
| SIGNATORY'S NAME | Janice Housey |
| SIGNATORY'S POSITION | Applicant's Counsel |
| DATE SIGNED | 06/12/2009 |
| DECLARATION SIGNATURE | /Janice Housey/ |
| SIGNATORY'S NAME | Janice Housey |
| SIGNATORY'S POSITION | Applicant's Counsel |
| DATE SIGNED | 06/12/2009 |
| RESPONSE SIGNATURE | /Janice Housey/ |
| SIGNATORY'S NAME | Janice Housey |
| SIGNATORY'S POSITION | Applicant's Counsel |
| DATE SIGNED | 06/12/2009 |
| AUTHORIZED SIGNATORY | YES |
| CONCURRENT APPEAL NOTICE FILED | YES |
| RESPONSE SIGNATURE | /Janice Housey/ |
| SIGNATORY'S NAME | Janice Housey |
| SIGNATORY'S POSITION | Applicant's Counsel |
| DATE SIGNED | 06/12/2009 |
| AUTHORIZED SIGNATORY | YES |
| CONCURRENT APPEAL NOTICE FILED | YES |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Jun 12 21:23:41 EDT 2009 |
| | USPTO/RFR-72.83.153.227-2 |

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PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action**To the Commissioner for Trademarks:**

Application serial no. **77437275** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney has issued a refusal to register under Section 2(d) of the Trademark Act citing the following registrations:

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IMAGINATION STATION (Reg. No. 2559228) for educational computer software for children

IMAGINATION STATION (Reg. No. 2552614) for educational and entertainment services, namely, a designated area of a theme park in which children are allowed to engage in interactive and hands-on activities intended to promote creativity and learning CANCELLED

THE IMAGINATION STATION (Reg. No. 2964540) for educational services, namely, providing on-line interactive classes over a computer network in the field of reading

Applicant's goods and services now read as follows:

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children's goods and services can coexist without issue, but Applicant's mark for different goods and services would somehow be confused with ALL of the prior IMAGINATION registrations in this crowded field.

Furthermore, the Examining Attorney has failed to realize that her broad, sweeping statements of "closely related" goods and services would mean that the goods and services of the CITED registrations would be deemed to be confusingly similar to each other. Since the prior registrations (owned by four different registrants) have seemingly peacefully coexisted on the Register for a number of years, it is preposterous to assume that the addition of the subject mark to the Register would suddenly cause confusion with other, very different, IMAGINATION marks.

Clearly, the mere fact that the same consumers might encounter the goods of the two parties is not sufficient to cause a likelihood of confusion to arise. In the instant case, though, there does not even appear to be any evidence that the respective goods would be encountered by the same consumers. The Examining Attorney has offered no evidence that the relevant consumers would encounter the various parties different goods and services.

Rather, than offering evidence of the relationship of the respective goods and services, the Examining Attorney cites the registrations of others for the premise that goods and services of Applicant are "closely related" to goods and services of the cited registrant. Such arguments are preposterous. For if the same was "probative" of similarity, the following registrations would lead to the following conclusions:

Pharmaceuticals preparations are closely related to: DVD players, pot scrapers and racket balls
(PHYTOLAND KIDS Reg. No. 3635516)

Soaps are closely related to fuel, furniture, meat and cereal-based snack foods
(Urbio Reg. No. 3557678)

Laundry bleach is closely related to bicycle seats for children, electrically heated bottom warmers and wallets

(CYBEX Reg. No. 3591365)

See *In re Deceuninck North America LLC*, Serial No. 77465459 (T.T.A.B. May 27, 2009) regarding reliance on third party registrations. See also *In re NeoPhotonics Corp.*, Serial No. 78331853 (T.T.A.B. October 10, 2008) (“[E]ven though the marks at issue [are] identical, it is still the case that where, as here, the respective goods on their face are distinctly different, it is incumbent upon the Examining Attorney to present evidence showing that there is at least a viable commercial relationship between the respective goods in order to establish that contemporaneous use of the marks at issue would be likely to cause confusion.”) It is clear that the Examining Attorney has not met her burden of proof regarding the relatedness of the goods.

The Number and Nature of Similar Marks Makes It Clear That the Marks Can Coexist without Confusion

While third party registrations in and of themselves are not evidence, per se, the same are clearly indicative of how a particular term is generally viewed by the public. See AMF Inc. v. American Leisure Products, Inc., 474 F.2d 1403, 177 USPQ 268 (C.C.P.A. 1973); Plus Products v. Star-Kist Foods, Inc., 220 USPQ 541 (TTAB 1983). In the instant case, it is clear that various IMAGINATION marks are seen as being readily discernible.

In the attached, Applicant has put forth a large number of representative uses of IMAGINATION marks for which registration has been sought. In addition, Applicant has noted the following representative current uses of IMAGINATION marks for children-related goods and services:

Imagination Quest children’s museum (<http://iqinc.org>)

Imagination Avenue children’s center (<http://imaginationavenue.us/>)

Imagination Station Express daycare/preschool (<http://www.imaginationstationexpress.com>)

Imagination Place children’s museum (<http://www.culturalarts.org/ip.asp>)

The Imagination Workshop children’s museum

(<http://www.cityoftemecula.org/Residents/ImaginationWorkshop/>)

Imagination Bethesda children’s festival

(<http://dc.about.com/od/specialevents/a/ImaginationBeth.htm>)

Imagination Stage children's theater (<http://www.imaginationstage.org/component/content/>)

Imagination Library children's library (<http://www.darekids.org/imagination.php>)

Instant Imagination children's parties (<http://instantimagination.com/>)

Personalized Imagination CD children's CD

([http://www.lighterside.com/product/personalizedgifts/children/personalized+imagination+cd.do?](http://www.lighterside.com/product/personalizedgifts/children/personalized+imagination+cd.do?WT.svl=64038)

WT.svl=64038)

Imagination Island play center (<http://www.imaginationislandusa.com/>)

Imagination Station children's center (<http://www.childcareimaginationstation.org/>)

Imagination Playground children's playground

(<http://kaboom.org/WhatWeDo/KaBOOMandImaginationPlayground/tabid/705/Default.aspx>)

Imagination Station playground (<http://www.lccvb.org/imagination.html>)

Imagination Stage children's theater (http://en.wikipedia.org/wiki/Imagination_Stage)

Imagination Movers children's music band

(http://www.imaginationmovers.com/website/press_kit_more.php?id=2)

Imagination Crossing childcare (<http://imaginationcrossing.com/>)

Imagination Station childcare (<http://imaginationstationelc.com/>)

Imagination Makers children's theater (<http://imaginationmakers.org/>)

Your Imagination Presents children's CDs (<http://yourimaginationpresents.com/>)

Imagination Theatre children's theater (<http://imaginationtheatre.org/>)

Imagination Toys children's store (<http://www.imagination-toys.com/>)

Imagination Gym educational programs and books

(<http://www.imaginationgym.com/products.html>)

Imagination Station children's science museum

(<http://www.imaginationstationnc.blogspot.com/>)

Imagination Place online children's club (http://cct2.edc.org/imagination_place/)

These representative current uses of IMAGINATION marks for goods and services directed to

children (many, if not all are “educational” in nature) are strong evidence of the relative dilution of the term IMAGINATION in the broad field of children’s goods and services and even in the further subset of educational children’s goods and services. Further, a Google search reveals over 10 MILLION hits for a search for “imagination and children” clearly establishing that the word IMAGINATION is closely associated with “all things children.” A limitation of the search result to also include “educational” still reveals a half MILLION hits. Thus, consumers have become accustomed to discerning among various IMAGINATION uses.

The attached third-party registrations are relevant to show that the mark or a portion of the mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services. See, e.g., *AMF Inc. v. American Leisure Products, Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269-70 (C.C.P.A. 1973); *Plus Products v. Star-Kist Foods, Inc.*, 220 USPQ 541, 544 (TTAB 1983). See also, *Specialty Brands, Inc. v. Coffee Bean Distributors, Inc.*, 748 F.2d 669, 675, 223 USPQ 1281, 1285-86 (Fed. Cir. 1984); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 917, 189 USPQ 693, 694-95 (C.C.P.A. 1976); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Dayco Products-Eagle Motive Inc.*, 9 USPQ2d 1910, 1911 (TTAB 1988); *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *United Foods Inc. v. J.R. Simplot Co.*, 4 USPQ2d 1172, 1174 (TTAB 1987).

The number and nature of other similar marks (both on the Register and in current use) means that consumers are accustomed to discerning among IMAGINATION marks. In *In re Broadway Chicken Inc.*, 38 U.S.P.Q.2d 1559 (T.T.A.B. 1996), the Board found no likelihood of confusion between BROADWAY CHICKEN (“CHICKEN” disclaimed) and BROADWAY PIZZA (“PIZZA” disclaimed), both for restaurant services. Similarly here, the initial term is so dilute that SHOPPE, STATION and WORKSHOP are sufficient to distinguish among the marks at issue.

In sum, because of the differences in the respective marks and the connotations of the subject trademarks, the marks, as wholes, are substantially different and would be perceived to be so by consumers and prospective consumers. Further, in light of the nature and number of other similar marks, it seems highly unlikely that the addition of Applicant’s mark to the register will suddenly create confusion amongst these marks which all share common elements.

Applying the third of the du Pont factors noted above, it can be clearly seen that there are significant differences between the services of applicant and those of the registrant. Registrant is using its trademarks in connection with medical/patient history and related services, such as educational services. Applicant's services, while in the broad medical field, have no such applications, nor would they be perceived to have such applications or to be closely related to such applications. Applicant's services are focused on cost management.

The Examining Attorney seemingly believes that all types of health care services are overlapping or closely related and all kinds of services offered to the health care industry are likewise overlapping or closely related. Such propositions do not withstand close scrutiny. If such were the case, the various AIM registrations noted above could not coexist on the register.

Applying the fourth factor, it is clear that the purchasers of the respective services are highly sophisticated. That is, personnel associated with hospital and health care practices would be highly sophisticated. Those tasked with purchasing goods and services related to health care utilization and/or patient file services would need to be sophisticated purchasers. Clearly, the respective services would not be impulse purchases. Thus, the level of sophistication of the purchasers further obviates a potential of confusion.

In conclusion, because of the differences between the respective services, the number and nature of other similar marks, the differences in the commercial impressions and connotations of the respective marks elucidated above, and because of the sophistication of the purchasers, no likelihood of confusion exists in the instant case within the meaning of the statute.

In light of the above, Applicant respectfully requests that the application be published in the Official Gazette.

EVIDENCE

Evidence in the nature of IMAGINATION marks has been attached.

Original PDF file:

http://tgate/PDF/RFR/2009/06/12/20090612212341337060-77437275-001_001/evi_7283153227-211732418_. Imagination_marks.pdf

Converted PDF file(s) (11 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

CLASSIFICATION AND LISTING OF GOODS/SERVICES**Applicant proposes to amend the following class of goods/services in the application:**

Current: Class 009 for Digital media, namely, CDs and DVDs featuring Performance Arts, Puppet Performing, Magic classes, Storytelling, Three Dimensional Storytelling, Face Painting, and Balloon Sculpting, Entertainment training DVDs, and Children's Educational and Entertainment CDs and DVDs
Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 009 for Digital media, namely, CDs and DVDs featuring performance arts, puppet performing, magic classes, storytelling, three dimensional storytelling, face painting, and balloon sculpting; entertainment training DVDs, namely, DVDs that provide training for teachers to teach safety issues in an entertaining manner

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 016 for Books in the field of Performance Arts, Puppet Performing, Magic, Storytelling, Three Dimensional Storytelling, Face Painting, and Balloon Sculpting, and Children's Educational books
Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 016 for Books in the field of performance arts, puppet performing, magic, storytelling, three dimensional storytelling, face painting, and balloon sculpting, and children's educational books

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Entertainment in the nature of live performances by Various Characters, Educational services, namely, conducting Seminars and Classes in the field of Entertainment Skills and

Education Skills and distribution of course material in connection therewith, and Educational services, namely, conducting Seminars and Classes in the field of Performance Arts, Puppet Performing, Magic, Storytelling, Three Dimensional Storytelling, Face Painting, and Balloon Sculpting and distribution of course material in connection therewith

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 041 for Entertainment in the nature of live performances by various make-believe characters; Educational services, namely, conducting seminars and classes in the field of instructing others how to provide educational and entertainment services to others and to assist teachers in meeting federal educational performance measures and federal literacy guidelines and distribution of course material in connection therewith; and Educational services, namely, conducting Seminars and Classes in the field of performance arts, puppet performing, magic, storytelling, three dimensional storytelling, face painting, and balloon sculpting and distribution of course material in connection therewith

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 244. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Janice Housey/ Date: 06/12/2009

Signatory's Name: Janice Housey

Signatory's Position: Applicant's Counsel

Signature: /Janice Housey/ Date: 06/12/2009

Signatory's Name: Janice Housey
Signatory's Position: Applicant's Counsel

Request for Reconsideration Signature

Signature: /Janice Housey/ Date: 06/12/2009
Signatory's Name: Janice Housey
Signatory's Position: Applicant's Counsel

Request for Reconsideration Signature

Signature: /Janice Housey/ Date: 06/12/2009
Signatory's Name: Janice Housey
Signatory's Position: Applicant's Counsel

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77437275
Internet Transmission Date: Fri Jun 12 21:23:41 EDT 2009
TEAS Stamp: USPTO/RFR-72.83.153.227-2009061221234133
7060-77437275-43050b17fc25ffd6ad32ac2cfe
b90f0e5b7-N/A-N/A-20090612211732418178

Dive Into Your Imagination

Word Mark DIVE INTO YOUR IMAGINATION

Goods and Services IC 009. US 021 023 026 036 038. G & S: DVDs and videos featuring documentaries and entertaining information on the topics of the oceans, environmental conservation, diving and water sports. FIRST USE: 20060801. FIRST USE IN COMMERCE: 20070105

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter-- namely-book series featuring periodical and general interest material; calendars; greeting cards. FIRST USE: 20060801. FIRST USE IN COMMERCE: 20070105

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78819264

Filing Date February 21, 2006

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition October 24, 2006

Registration Number 3240760

Registration Date May 8, 2007

Owner (REGISTRANT) Crawley, Annie INDIVIDUAL UNITED STATES 200 W. Mason St. #19 Santa Barbara CALIFORNIA 93101

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Word Mark CAPTURING YOUR IMAGINATION

Goods and Services IC 009. US 021 023 026 036 038. G & S: computer hardware and software for image processing. FIRST USE: 20050421. FIRST USE IN COMMERCE: 20050605

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78803051

Filing Date January 31, 2006

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition September 19, 2006
Registration Number 3366936
Registration Date January 8, 2008
Owner (REGISTRANT) Nethra Imaging CORPORATION DELAWARE 10710 North Tantau Ave. Cupertino CALIFORNIA 95014
Attorney of Record Vani Moodley
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

Word Mark IMAGINATION OVERDRIVE

Goods and Services IC 041. US 100 101 107. G & S: Educational and entertainment services, namely, hosting, organizing, and conducting filmed, broadcasted, internet and live educational classes, professional workshops and training courses in the fields of Balloon Sculpture, Balloon Caricatures, Magic, Illusions, Stilt Walking, Face and Body painting and art, Caricature Art, Animation Art, Graphic Art, Mural Art, Portrait Art, Miming, Motivational Speaking, Team Building, Juggling, Acting, Costuming, Costumed Characters, Celebrity Impersonation, Puppetry, Crafts, Decorating, Origami, and Robotics for schools, business/corporate functions and private events and distributing course materials in connection therewith; Hosting, organizing, and presenting filmed, broadcasted, internet and live performances, namely, presenting shows of Balloon Sculpture, Balloon Caricatures, Magic, Illusions, Stilt Walkers, Face and Body painting and art, Caricature Art, Animation Art, Graphic Art, Mural Art, Portrait Art, Bounce Houses, Mimes, Motivational Speaking, Team Building, Juggling, Acting, Costuming, Costumed Characters, Celebrity Impersonators, Comedians, Puppetry, Crafts, Live Musical Bands, Recorded Music, Theatrical Performances, Master of Ceremonies, Disc Jockeys, Trivia Games, Decorating, Origami, Petting Zoos, and Robotics for schools, business/corporate functions and private events; Entertainment services in the nature of live-action, comedy, drama and animated television series; Entertainment services in the nature of music and talk shows distributed by radio or television broadcast, podcast, or via a global computer network; Charitable services, namely, providing entertainment for underprivileged or ill children; Animation, DVD and Video production services; Entertainment services, namely, providing a web site featuring Television and Movie information, musical performances, musical videos, related film clips, photographs, and other multimedia materials. Electronic publishing services, namely, publication of text and graphic works of others on CD, DVD, and internet featuring Balloon Sculpture and Magic training; Entertainment services, namely, conducting parties; Entertainment services, namely, providing on-line computer games; Entertainment services namely live, televised and movie appearances by a professional entertainer. FIRST USE: 19960000. FIRST USE IN COMMERCE: 19990000

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78538234

Filing Date December 24, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for April 11, 2006

Opposition
Registration Number 3111386
Registration Date July 4, 2006
Owner (REGISTRANT) Kevorkian, Edward A. INDIVIDUAL UNITED STATES 569 SW Lucero Drive Port Saint Lucie FLORIDA 34983
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE
Word Mark IMAGINATION GYM
Goods and Services IC 009. US 021 023 026 036 038. G & S: Specifically designed and copyrighted CDs & DVDs used in a bespoke children's Education Methodology and adult's Lifestyle Program. FIRST USE: 20020502. FIRST USE IN COMMERCE: 20021018
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78273029
Filing Date July 11, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition March 16, 2004
Registration Number 2851034
Registration Date June 8, 2004
Owner (REGISTRANT) Bright Child Productions Limited CORPORATION IRELAND Bright Child Productions Ltd. 18 Exchange Street Upper Temple Bar IRELAND D8
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

Word Mark IMAGINATION ROAD TOUR
Goods and Services IC 041. US 100 101 107. G & S: Education and entertainment services, namely, performances, presentations, discussions, lectures, demonstrations, and courses in the field of motivating and educating **children** and distributing written course materials in connection therewith; production of live and recorded visual and audio performances, presentations, discussions, lectures, demonstrations and courses in the field of motivating and educating **children**; providing a website of information in the field of motivating and educating **children**. FIRST USE: 20010918. FIRST USE IN COMMERCE: 20030418
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78085039
Filing Date September 22, 2001
Current Filing Basis 1A

Original Filing Basis 1B
Published for Opposition July 30, 2002
Registration Number 2751363
Registration Date August 12, 2003
Owner (REGISTRANT) Laughing Soul Productions CORPORATION NEVADA 9811 W. Charleston Blvd. Ste. 2-306 LAS VEGAS NEVADA 89117
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ROAD TOUR" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

Word Mark IMAGINATION STATION
Goods and Services IC 041. US 100 101 107. G & S: **Children's** entertainment center, namely, interactive indoor play area designed to foster physical and mental activities for young **children**

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77744889
Filing Date May 26, 2009
Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Quinn, Aaron INDIVIDUAL UNITED STATES 21558 Awbrey Place Ashburn VIRGINIA 20148

(APPLICANT) Bish, Kevin INDIVIDUAL UNITED STATES 21558 Awbrey Place Ashburn VIRGINIA 20148

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

Word Mark DISNEY IMAGINATION

Goods and Services IC 009. US 021 023 026 036 038. G & S: Audio and visual recordings, featuring live action and animated entertainment for **children**, motion picture films, television shows, music, games, and activities in the nature of entertainment for **children**; video and computer game cartridges, discs and software featuring music, games, and activities for **children**; consumer electronics, namely, audio cassette recorders, audio cassette players, audio speakers, calculators, camcorders, cameras, compact disc players, compact disc recorders, computers, cordless telephones, digital cameras, DVD players, DVD recorders, electronic personal organizers, headphones, karaoke machines, microphones, modems, MP3 players, MP4 players, pagers, personal stereos, personal digital assistants, personal video players, printers, radios, telephones, television sets, video cameras, video cassette recorders, video cassette players,

video recorders, videophones, walkie-talkies; eyeglasses and sunglasses; decorative refrigerator magnets

**Standard
Characters
Claimed**

**Mark Drawing
Code** (4) STANDARD CHARACTER MARK

Serial Number 77722264

Filing Date April 24, 2009

**Current Filing
Basis** 1B

**Original Filing
Basis** 1B

Owner (APPLICANT) Disney Enterprises, Inc. CORPORATION DELAWARE 500 South Buena Vista Street Burbank CALIFORNIA 91521

**Attorney of
Record** Barbara Quinn

Type of Mark TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

Word Mark IMAGINATION CAMPUS

**Goods and
Services** IC 041. US 100 101 107. G & S: Conducting after-school tutoring programs; Educational programs, namely, pre-schools; Providing after school educational programs for **children** in grades K-6

**Standard
Characters
Claimed**

**Mark Drawing
Code** (4) STANDARD CHARACTER MARK

Serial Number 77610036

Filing Date November 7, 2008

**Current Filing
Basis** 1B

**Original Filing
Basis** 1B

**Published for
Opposition** March 24, 2009

Owner (APPLICANT) Zayka Inc CORPORATION TEXAS 12038 Newport Shore Drive Houston TEXAS 77065

**Attorney of
Record** Ryan Roberts

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CAMPUS" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

Word Mark IMAGINATION
Goods and Services IC 009. US 021 023 026 036 038. G & S: Motion picture films and films for television featuring **children's** entertainment

IC 041. US 100 101 107. G & S: Entertainment in the nature of an on-going special variety, news, music or comedy show featuring animation and live action broadcast over television, satellite, audio, and video media; Entertainment in the nature of on-going television programs in the field of animation and live action films; Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows; Entertainment services in the nature of an on-going reality based television program; Entertainment services in the nature of on-going television programs in the field of **children's** entertainment; Entertainment services, namely, production of computer-generated imagery for use in motion pictures; Entertainment services, namely, production of special effects including model-making services and related physical production elements for use in motion pictures; Entertainment services, namely, production of special effects including model-making services, computer-generated imagery and computer-generated graphics for the production of motion pictures, videos, and movie trailers; Entertainment, namely, production of animation and live action films.; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77600651

Filing Date October 26, 2008

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition March 17, 2009

Owner (APPLICANT) Miles II, Harold W. DBA Hal Miles Imagination Studios INDIVIDUAL UNITED STATES 115 Peters Quay Savannah GEORGIA 31410

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Word Mark THE IMAGINATION STATION

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: A series of **children's** fiction books

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77654753

Filing Date January 22, 2009

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Focus on the Family CORPORATION COLORADO Legal Department 8605 Explorer Drive Colorado Springs COLORADO 80920

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

THE LAND OF IMAGINATION

Word Mark THE LAND OF IMAGINATION

Goods and Services IC 041. US 100 101 107. G & S: (Based on Use in Commerce) Entertainment in the nature of live performances by a professional entertainer; Entertainment in the nature of theater productions (Based on Intent to Use) entertainment services, namely, providing web casts in the field of **Children's** Entertainment; Entertainment services in the nature of on-going television programs in the field of **children's** entertainment; Entertainment services, namely, an on-going series featuring a professional entertainer provided via cable television, web casts, radio broadcasts, network television, syndicated television, pay-per-view television, video on demand and mobile communications devices via a global computer network and wireless networks; Information in the field of parenting concerning education of **children**. FIRST USE: 20070415. FIRST USE IN COMMERCE: 20070415

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 26.01.02 - Circles, plain single line; Plain single line circles

Search Code 26.01.21 - Circles that are totally or partially shaded.

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Serial Number 77292910

Filing Date October 1, 2007

Current Filing Basis 1A;1B

Original Filing Basis 1A;1B

Published for Opposition April 8, 2008

Owner (APPLICANT) Tibbetts, Nicole J. DBA The Land of Imagination INDIVIDUAL UNITED KINGDOM 561 31st Street Manhattan Beach CALIFORNIA 90266

Description of Mark The color(s) red, purple, blue, aqua, green, yellow and orange is/are claimed as a feature of the mark. The mark consists of lettering (jokerman font) in the shape of a forward curving wave. The colors are within the lettering and go in the following order red, purple, blue, aqua, green, yellow and orange.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Word Mark IMAGINATION IN EDUCATION
Goods and Services IC 041. US 100 101 107. G & S: Educational services, namely, developing on-line and print-based curriculum for conducting classes, lessons, and projects in the fields of science, technology, robotics, architecture, engineering, and mathematics and distribution of course material in connection therewith; developing on-line and print-based curriculum for after-school educational programs for **children** in pre-school through high school grade levels; Educational consultation in the nature of school partnering with private and public schools for enriching educational services and improving student learning performance for public and private school students at the pre-school through high school levels. FIRST USE: 20060701. FIRST USE IN COMMERCE: 20060701

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77184052

Filing Date May 17, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition May 20, 2008

Registration Number 3478928

Registration Date August 5, 2008

Owner (REGISTRANT) PCS Edventures!, Inc. CORPORATION IDAHO 345 Bobwhite Court, Suite 200 Boise IDAHO 83706

Attorney of Record Brad R. Frazer

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Word Mark IMAGINATION ISLAND
Goods and Services IC 041. US 100 101 107. G & S: Education services for preschool-age **children**, namely, providing activities that foster cooperative play, social and emotional growth, and school readiness

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77617909

Filing Date November 19, 2008

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Children's Learning Adventure Licensing, LLC LIMITED LIABILITY COMPANY ARIZONA 3131 E. Camelback Road Phoenix ARIZONA 85016

Attorney of Record Cynthia L. Pillote

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Word Mark IMAGINATION JUNCTION

Goods and Services IC 041. US 100 101 107. G & S: Providing recreational areas in the nature of **children's** play areas; **children's** entertainment and amusement centers, namely, interactive play areas. FIRST USE: 20080710. FIRST USE IN COMMERCE: 20080710

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77142550

Filing Date March 28, 2007

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition September 25, 2007

Registration Number 3513295

Registration Date October 7, 2008

Owner (REGISTRANT) Entertainment, Inc. CORPORATION OHIO 2721 E. Sharon Road Cincinnati OHIO 45241

Attorney of Record Kathryn E. Smith

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Word Mark IMAGINATION EXPRESS

Goods and Services IC 041. US 100 101 107. G & S: educational services, namely, reading and story telling services for **children**. FIRST USE: 19950201. FIRST USE IN COMMERCE: 19950201

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76359617

Filing Date January 16, 2002

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition February 11, 2003
Registration Number 2712973
Registration Date May 6, 2003
Owner (REGISTRANT) Dollywood Foundation, The CORPORATION TENNESSEE 1020 Dollywood Lane Pigeon Forge TENNESSEE 37863
Attorney of Record Mark S. Graham,
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE



Word Mark IMAGINATION STATION
Goods and Services IC 035. US 100 101 102. G & S: Retail store services featuring the distribution of books, CDs, cassettes and DVDs for children. FIRST USE: 19850315. FIRST USE IN COMMERCE: 19850615
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 02.05.06 - Baby; Children, baby or babies
 02.05.24 - Stylized children, including children depicted in caricature form
 03.23.01 - Butterflies; Moths
 03.23.24 - Stylized insects, spiders and micro-organisms
 07.01.01 - Castles; Forts; Palaces
Serial Number 76625388
Filing Date December 23, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 31, 2006
Registration Number 3084233
Registration Date April 25, 2006
Owner (REGISTRANT) Snowspring Ltd. CORPORATION VIRGINIA 4524 Lee Highway Arlington VIRGINIA 22207
Attorney of Record Erik M. Pelton

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

Word Mark IMAGINATION MOVERS

Goods and Services IC 041. US 100 101 107. G & S: Entertainment in the nature of a **children's** television services and live performances featuring costumed characters; production of cartoon shows for television; publication of books and educational materials, namely, lesson plans, worksheets and educational games, production of radio and television programs; entertainment in the nature of theater productions; audio recording and production; video recording and production; motion picture film production; production of compact discs and CD ROMs for others; rental of motion pictures; rental of video programs; Entertainment services, namely, providing a web site featuring songs stories and games for **children**. FIRST USE: 20020618. FIRST USE IN COMMERCE: 20030517

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76525610

Filing Date June 16, 2003

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition September 21, 2004

Registration Number 2909765

Registration Date December 14, 2004

Owner (REGISTRANT) Imagination Movers RICHARD EDWARD COLLINSIII, SCOTT KIMBALL DURBIN, DAVID MORAN POCHE, SCOTT JACOB SMITH, ALL U.S. CITIZENS PARTNERSHIP LOUISIANA 5481 Hawthorne Place New Orleans LOUISIANA 70124

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE